(1) C.S. 1001 (3)

SINGLE BENCH

**IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR**

**W.P. NO. 1975 /2006**

**PETITIONER** B. Prasad Yadav, aged about 59 years, S/o. Late Shri Ganesh Prasad Yadav, Occupation- Executive Engineer, Electrical & Mechanical P.H.E. Department, R/o. PHE Colony, New Panchsheel Nagar, Raipur, District- Raipur (C.G.).

No. 2038/06 Signature of Advocate
Presented by
dated 13/4/06

***VERSUS***

**RESPONDENT**

1. State of Chhattisgarh,
Through: The Secretary, Public Health Engineering Department, D.K.S. Bhavan, Raipur (C.G.)

2. Secretary, General Administration Department,
D.K.S. Bhavan, Raipur (C.G.)

3. Engineer-in-Chief, Public Health Engineering Department, Civil Lines, Raipur (C.G.)

RECEIVED-COPY
13/4/06
CLERK to A. G. BILASPUR

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC. OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER**

XI-HC-22

(81)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक W.P.No. 1925/06 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**9-5-2006**

Mr. Sunil Otwani, counsel for the petitioner.

Mr. G.K. Beriwal, Deputy Advocate General for the State/ respondents.

Heard both the counsel.

The main grievance raised by the petitioner, in this petition, is that the petitioner is working as Executive Engineer (E&M) in the department of Public Health Engineering. He is eligible for the promotion to the next higher post i.e. Superintendent Engineer and one post of Superintendent Engineer is lying vacant, as Superintendent Engineer (E&M) Mr. S.K. Khare has been promoted to the post of Chief Engineer (E&M). In spite of the vacancy, respondents are not convening DPC for the purpose of promotion from the post of Executive Engineer to the post of Superintendent Engineer. The petitioner is going to attain the age of superannuation on 31st October 2006. If the DPC is not convened, the petitioner is going to suffer irreparable loss.

Time was granted to counsel for respondents to file reply and learned counsel for respondents was also asked to ascertain from the department as to why DPC is not being convened.

Mr. G.K. Beriwal, Deputy Advocate General submitted that yesterday evening he has received a communication from the office of the Engineer-in-Chief.

The above communication is placed before the Court, therefore, same is taken on record. As per the communication sent by Engineer-in-Chief, the post of Superintendent Engineer had fallen vacant on 1.3.2006 and DPC is not being convened on account of non-availability of the

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

A.C.R. of eligible candidates. it is the duty of the head of the department to ensure that A.C.Rs are written in time and same are sent for appraisal by the appraisal authority. On account of lapse of the department the persons who are eligible for consideration for promotional post should not suffer.

In the circumstances, it is directed that the Engineer-in-Chief to ensure that the necessary ACRs are filled up by the concerned officer within a period of 2 months from today and thereafter, respondents to convene meeting of the DPC in the 3rd week of July 2006 for consideration of promotion to the post of Superintending Engineer.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.1507/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve